

Remarks

The Examiner has rejected claims 1-15 under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims have now been amended accordingly and it is submitted that the rejection under 35 USC 112 should be withdrawn.

The Examiner has rejected claims 1-3, 5-9, 11 and 12 under 35 USC 102(b) as being anticipated by US Patent 5,873,426 to Tabata et al. (hereinafter Tabata). It is respectfully submitted that the claims as now amended distinguish over Tabata. More particularly, claim 1 now includes the subject matter of claim 2, which has now been cancelled, and more clearly requires that the first wheel is driven by a drive motor and that a control unit, in the presence of a shift command automatically applies a greater load on the drive motor driving the first wheel, controls the shifting operation of the shiftable transmission of the second wheel and then lowers the load of the drive motor driving the first wheel. Tabata discloses no such arrangement. In Tabata the drive has a single output 19, therefore it is not possible in Tabata to apply a greater load to one wheel while shifting a gearbox of another wheel and then lowering the load on the first wheel. Tabata does not disclose individual drive motors or gearboxes for the individual wheels.

The Examiner has also rejected claims 4 and 13-15 under 35 USC 103(a) as being unpatentable over Tabata. For the reasons set forth above with respect to Tabata, it is submitted that claims 4 and 13-15 are also in condition for allowance.

In conclusion, it is believed that this application is in condition for allowance, and such allowance is respectfully requested.

Should the Examiner believe that a telephonic conference would be useful in furthering the present application toward allowance, the undersigned attorney would welcome such a call.

Application No. 10/786,985
Amendment Dated 29 September 2006
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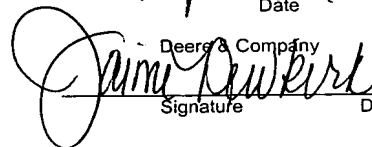
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Respectfully,


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